

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:18-cv-02846-CRC**

AMERICAN OVERSIGHT v. U.S. DEPARTMENT OF
JUSTICE et al

Assigned to: Judge Christopher R. Cooper

Cause: 05:552 Freedom of Information Act

Date Filed: 12/04/2018

Jury Demand: None

Nature of Suit: 895 Freedom of
Information Act

Jurisdiction: U.S. Government Defendant

Plaintiff

AMERICAN OVERSIGHT

represented by **Glenn S. Kerner**
GOODWIN PROCTER, LLP
The New York Times Building
620 Eighth Avenue
New York, NY 10018
(212) 459-7460
Fax: (212) 355-3333
Email: Gkerner@goodwinlaw.com
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

John M. Ilardo
GOODWIN PROCTER LLP
100 Northern Avenue
Boston, MA 02210
(617) 570-1523
Email: JIlardo@goodwinlaw.com
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

Stephen L. Taesuch
GOODWIN PROCTER LLP
3 Embarcadero Center
San Francisco, CA 94111
415-733-6180
Fax: 415-677-9041
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

Austin Ridgely Evers
AMERICAN OVERSIGHT
1030 15th Street, NW
Suite B255
Washington, DC 20005
(202) 869-5245
Fax: (202) 871-6523
Email: austin.evers@americanoversight.org
ATTORNEY TO BE NOTICED

Joseph Francis Yenouskas
GOODWIN PROCTER, LLP
901 New York Avenue, NW
Suite 900, 9th Floor East
Washington, DC 20001
(202) 346-4000
Fax: (202) 346-4444
Email: jyenouskas@goodwinlaw.com
ATTORNEY TO BE NOTICED

V.

Defendant**U.S. DEPARTMENT OF JUSTICE**

represented by **Denise M. Clark**
 U.S. ATTORNEY'S OFFICE FOR THE
 DISTRICT OF COLUMBIA
 555 Fourth Street, NW
 Washington, DC 20530
 (202) 252-6605
 Fax: (202) 252-2599
 Email: denise.clark@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant**U.S. DEPARTMENT OF
HOMELAND SECURITY**

represented by **Denise M. Clark**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant**U.S. CUSTOMS AND BORDER
PROTECTION**

represented by **Denise M. Clark**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant**U.S. IMMIGRATION AND
CUSTOMS ENFORCEMENT**

represented by **Denise M. Clark**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant**U.S. CITIZENSHIP AND
IMMIGRATION SERVICES**

represented by **Denise M. Clark**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

| Date Filed | # | Docket Text |
|------------|----------|--|
| 12/04/2018 | <u>1</u> | COMPLAINT against U.S. CITIZENSHIP AND IMMIGRATION SERVICES, U.S. CUSTOMS AND BORDER PROTECTION, U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. DEPARTMENT OF JUSTICE, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT (Filing fee \$ 400 receipt number 0090-5822781) filed by AMERICAN OVERSIGHT. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Civil Cover Sheet, # <u>4</u> Summons)(Yenouskas, Joseph) (Entered: 12/04/2018) |
| 12/04/2018 | <u>2</u> | LCvR 26.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by AMERICAN OVERSIGHT. (Yenouskas, Joseph) Modified event title on 12/17/2018 (znmw). (Entered: 12/04/2018) |
| 12/04/2018 | <u>3</u> | MOTION for Leave to Appear Pro Hac Vice :Attorney Name- John M. Ilardo, :Firm- Goodwin Procter LLP, :Address- 100 Northern Avenue, Boston, MA 02210. Phone No. - (617) 570-1523. Fax No. - (617) 523-1231 Filing fee \$ 100, receipt number 0090-5823117. Fee Status: Fee Paid. by AMERICAN OVERSIGHT (Attachments: # <u>1</u> Declaration of John M. Ilardo, # <u>2</u> Text of Proposed Order)(Yenouskas, Joseph) (Entered: 12/04/2018) |
| 12/04/2018 | <u>4</u> | MOTION for Leave to Appear Pro Hac Vice :Attorney Name- Glenn S. Kerner, :Firm- Goodwin Procter LLP, :Address- 620 Eighth Avenue, New York, NY 10018. Phone No. - (212)459-7460. Fax No. - (212)355-3333 Filing fee \$ 100, receipt |

| | | |
|------------|-----------|---|
| | | number 0090–5823128. Fee Status: Fee Paid. by AMERICAN OVERSIGHT (Attachments: # <u>1</u> Declaration of Glenn S. Kerner, # <u>2</u> Text of Proposed Order)(Yenouskas, Joseph) (Entered: 12/04/2018) |
| 12/04/2018 | <u>5</u> | MOTION for Leave to Appear Pro Hac Vice :Attorney Name– Stephen L. Taesuch, :Firm– Goodwin Procter LLP, :Address– 3 Embarcadero Center, San Francisco, CA 94111. Phone No. – (415) 733–6180. Fax No. – (415) 677–9041 Filing fee \$ 100, receipt number 0090–5823134. Fee Status: Fee Paid. by AMERICAN OVERSIGHT (Attachments: # <u>1</u> Declaration of Stephen L. Taesuch, # <u>2</u> Text of Proposed Order)(Yenouskas, Joseph) (Entered: 12/04/2018) |
| 12/04/2018 | | Case Assigned to Judge Christopher R. Cooper. (zef,) (Entered: 12/10/2018) |
| 12/07/2018 | <u>6</u> | REQUEST FOR SUMMONS TO ISSUE filed by AMERICAN OVERSIGHT.(Yenouskas, Joseph) (Entered: 12/07/2018) |
| 12/10/2018 | <u>7</u> | SUMMONS (7) Issued Electronically as to All Defendants, U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u> Notice and Consent)(zef,) (Entered: 12/10/2018) |
| 01/02/2019 | <u>8</u> | NOTICE of Appearance by Austin Ridgely Evers on behalf of AMERICAN OVERSIGHT (Evers, Austin) (Entered: 01/02/2019) |
| 01/10/2019 | <u>9</u> | MOTION to Stay <i>in Light of Lapse in Appropriations</i> by U.S. CITIZENSHIP AND IMMIGRATION SERVICES, U.S. CUSTOMS AND BORDER PROTECTION, U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. DEPARTMENT OF JUSTICE, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT (Clark, Denise) (Entered: 01/10/2019) |
| 01/10/2019 | | MINUTE ORDER granting <u>9</u> Defendants' Motion to Stay. All deadlines in the case shall be stayed pending renewed funding. Signed by Judge Christopher R. Cooper on 1/10/2019. (lccrc2) (Entered: 01/10/2019) |
| 01/10/2019 | | MINUTE ORDER granting <u>3</u> Motion for Leave to Appear Pro Hac Vice of Attorney John M. Ilardo. Signed by Judge Christopher R. Cooper on 1/10/2019. (lccrc2) (Entered: 01/10/2019) |
| 01/10/2019 | | MINUTE ORDER granting <u>4</u> Motion for Leave to Appear Pro Hac Vice of Attorney Glenn S. Kerner. Signed by Judge Christopher R. Cooper on 1/10/2019. (lccrc2) (Entered: 01/10/2019) |
| 01/10/2019 | | MINUTE ORDER granting <u>5</u> Motion for Leave to Appear Pro Hac Vice of Attorney Stephen L. Taesuch. Signed by Judge Christopher R. Cooper on 1/10/2019. (lccrc2) (Entered: 01/10/2019) |
| 01/28/2019 | <u>10</u> | NOTICE of Restored Government Funding by U.S. CITIZENSHIP AND IMMIGRATION SERVICES, U.S. CUSTOMS AND BORDER PROTECTION, U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. DEPARTMENT OF JUSTICE, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT (Clark, Denise) (Entered: 01/28/2019) |
| 02/01/2019 | | MINUTE ORDER: In light of the <u>10</u> Notice of Restored Government Funding, the stay in this case is lifted. The parties shall provide a joint status report on or before February 8, 2019, which shall include a proposed schedule for future proceedings. Signed by Judge Christopher R. Cooper on 2/1/2019. (lccrc2) (Entered: 02/01/2019) |
| 02/01/2019 | | Set/Reset Deadlines: Joint Status Report and Proposed Briefing Schedule due by 2/8/2019 (lsj) (Entered: 02/01/2019) |
| 02/08/2019 | <u>11</u> | Joint STATUS REPORT by U.S. CITIZENSHIP AND IMMIGRATION SERVICES, U.S. CUSTOMS AND BORDER PROTECTION, U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. DEPARTMENT OF JUSTICE, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT. (Clark, Denise) (Entered: 02/08/2019) |
| 02/08/2019 | | MINUTE ORDER: In light of <u>11</u> the parties' joint status report, Defendants shall answer Plaintiff's complaint on or before February 28, 2019. In addition, the parties shall file a joint status report that addresses the processing of Plaintiff's FOIA request and proposes a schedule for further proceedings on or before March 15, 2019. Signed by Judge Christopher R. Cooper on 2/8/2019. (lccrc2) (Entered: 02/08/2019) |

| | | |
|------------|-----------|---|
| 02/08/2019 | | Set/Reset Deadlines: Answer due by 2/28/2019. Proposed Briefing Schedule due by 3/15/2019 (lsj) (Entered: 02/08/2019) |
| 02/28/2019 | <u>12</u> | ANSWER to Complaint by U.S. CITIZENSHIP AND IMMIGRATION SERVICES, U.S. CUSTOMS AND BORDER PROTECTION, U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. DEPARTMENT OF JUSTICE, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT.(Clark, Denise) (Entered: 02/28/2019) |
| 02/28/2019 | | VACATED PURSUANT TO MINUTE ORDER.....MINUTE ORDER: Before the Court in this FOIA case are a complaint and an answer. It is hereby ORDERED that the parties shall confer and file a joint proposed schedule for briefing or disclosure by March 21, 2019. Signed by Judge Christopher R. Cooper on 2/28/2019. (lccrc2) Modified on 3/1/2019 (zlsj). (Entered: 02/28/2019) |
| 02/28/2019 | | MINUTE ORDER: The Court's previous order entered on February 28, 2019 is hereby vacated. The parties should continue to adhere to the schedule set forth in the Court's minute order entered on February 8, 2019: the parties shall file a joint status report that addresses the processing of Plaintiff's FOIA request and proposes a schedule for further proceedings on or before March 15, 2019. Signed by Judge Christopher R. Cooper on 2/28/2019. (lccrc2) (Entered: 02/28/2019) |
| 03/01/2019 | | Set/Reset Deadlines: Joint Status Report due by 3/15/2019 (lsj) (Entered: 03/01/2019) |
| 03/04/2019 | <u>13</u> | ENTERED IN ERROR. . . .NOTICE of Filing Proof of Service by AMERICAN OVERSIGHT (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G)(Yenouskas, Joseph) Modified on 3/5/2019 (ztd). (Entered: 03/04/2019) |
| 03/05/2019 | | NOTICE OF ERROR re <u>13</u> Notice (Other); emailed to jyenouskas@goodwinlaw.com, cc'd 10 associated attorneys — The PDF file you docketed contained errors: 1. Incorrect event used, 2. Please refile document, 3. Please use the correct events under Service of Process, Summons Returned Executed as to. . . (ztd,) (Entered: 03/05/2019) |
| 03/05/2019 | <u>14</u> | RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 12/17/2018., RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 12/12/2018. (Answer due for ALL FEDERAL DEFENDANTS by 1/11/2019.), RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. All Defendants (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G)(Yenouskas, Joseph) (Entered: 03/05/2019) |
| 03/15/2019 | <u>15</u> | ENTERED IN ERROR.... MOTION for Extension of Time to <i>File Joint Status Report</i> by U.S. CITIZENSHIP AND IMMIGRATION SERVICES, U.S. CUSTOMS AND BORDER PROTECTION, U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. DEPARTMENT OF JUSTICE, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT (Clark, Denise) Modified on 3/18/2019 (znmw). (Entered: 03/15/2019) |
| 03/15/2019 | <u>16</u> | STATUS REPORT by AMERICAN OVERSIGHT. (Attachments: # <u>1</u> Exhibit 1)(Yenouskas, Joseph) (Entered: 03/15/2019) |
| 03/18/2019 | | NOTICE OF CORRECTED DOCKET ENTRY: Docket Entry <u>15</u> MOTION for Extension of Time to <i>File Joint Status Report</i> was entered in error and counsel is instructed to refile said pleading with attorney signature/signature block.. (znmw) (Entered: 03/18/2019) |
| 03/18/2019 | <u>17</u> | MOTION for Extension of Time to <i>File Joint Status Report</i> by U.S. CITIZENSHIP AND IMMIGRATION SERVICES, U.S. CUSTOMS AND BORDER PROTECTION, U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. DEPARTMENT OF JUSTICE, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT (Clark, Denise) (Entered: 03/18/2019) |
| 03/20/2019 | <u>18</u> | Joint STATUS REPORT by U.S. CITIZENSHIP AND IMMIGRATION SERVICES, U.S. CUSTOMS AND BORDER PROTECTION, U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. DEPARTMENT OF JUSTICE, U.S. |

| | | |
|------------|-----------|--|
| | | IMMIGRATION AND CUSTOMS ENFORCEMENT. (Clark, Denise) (Entered: 03/20/2019) |
| 03/22/2019 | | MINUTE ORDER granting <u>17</u> Motion for Extension of Time to File Joint Status Report. Upon consideration of the parties' positions as set forth in <u>18</u> the joint status report of March 20, 2019, the parties shall file an updated joint status report on or before April 17, 2019. In that status report, the Defendant shall provide a meaningful and detailed estimate for the processing of Plaintiff's request. Signed by Judge Christopher R. Cooper on 3/22/2019. (lccrc2) (Entered: 03/22/2019) |
| 03/22/2019 | | Set/Reset Deadlines: Joint Status Report due by 4/17/2019 (lsj) (Entered: 03/22/2019) |
| 04/17/2019 | <u>19</u> | Unopposed MOTION for Extension of Time to <i>File Joint status report</i> by U.S. CITIZENSHIP AND IMMIGRATION SERVICES, U.S. CUSTOMS AND BORDER PROTECTION, U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. DEPARTMENT OF JUSTICE, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT (Clark, Denise) (Entered: 04/17/2019) |
| 04/18/2019 | | MINUTE ORDER granting <u>19</u> Defendants' Motion for Extension of Time to file Joint Status Report. The parties shall file the joint status report by April 18, 2019. Signed by Judge Christopher R. Cooper on 4/18/2019. (lccrc2) (Entered: 04/18/2019) |
| 04/18/2019 | | Set/Reset Deadlines: Joint Status Report due by 4/18/2019 (lsj) (Entered: 04/18/2019) |
| 04/19/2019 | <u>20</u> | Joint STATUS REPORT by U.S. CITIZENSHIP AND IMMIGRATION SERVICES, U.S. CUSTOMS AND BORDER PROTECTION, U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. DEPARTMENT OF JUSTICE, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT. (Clark, Denise) (Entered: 04/19/2019) |
| 04/19/2019 | <u>21</u> | MOTION for Extension of Time to <i>File Status Report</i> by U.S. CITIZENSHIP AND IMMIGRATION SERVICES, U.S. CUSTOMS AND BORDER PROTECTION, U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. DEPARTMENT OF JUSTICE, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT (Clark, Denise) (Entered: 04/19/2019) |